

M. O. asks the Appeals Board of the Utah Labor Commission to review Administrative Law Judge George's denial of Ms. O.'s claim for benefits under the Utah Occupational Disease Act ("the Act"; Title 34A, Chapter 3, Utah Code Annotated).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

Ms. O. seeks occupational disease benefits from Bourns, Inc. for various overuse conditions of her arms. The facts relevant to Ms. O.'s claim have been submitted by stipulation. The parties also stipulated that Judge George should appoint a medical panel to consider the medical aspects of the claim.

The panel submitted its report to Judge George on February 19, 2005. Neither party objected to the report. On April 29, 2005, Judge George issued his decision adopting the report and, on that basis, denying Ms. O.'s claim. Specifically, Judge George concluded that Ms. O.'s work at Bourns did not cause her medical problems.

In requesting Appeals Board review of Judge George's decision, Ms. O. argues that other medical evidence in the record contradicts the medical panel's report and establishes that her work at Bourns did, in fact, cause her medical problems.

FINDINGS OF FACT

The Appeals Board affirms and adopts Judge George's findings of fact. In particular, the Appeals Board concurs with Judge George's reliance on the medical panel's opinion that no causal connection exists between Ms. O.'s work at Bourns and her occupational disease claim.

DISCUSSION AND CONCLUSIONS OF LAW

Section 34A-3-104(1) of the Utah Occupational Disease Act requires employers to pay "disability and medical benefits to every employee who becomes disabled . . . by reason of an occupational disease under the terms of this chapter." Section 34A-3-103 of the Act defines "occupational disease" as ". . . any disease or illness that arises out of and in the course of employment **and is medically caused or aggravated by that employment.**" (Emphasis added.)

In this case, a panel of impartial medical experts personally examined Ms. O., and reviewed her medical history and the opinions of other medical providers. The panel then issued a thorough and well-reasoned report that found no medical causal connection between Ms. O.'s current medical problems and her work at Bourns. The Appeals Board finds the panel's report to be persuasive and, therefore, concurs with Judge George's denial of Ms. O.'s claim for benefits.

ORDER

The Appeals Board affirms Judge George's decision and denies Ms. O.'s motion for review.
It is so ordered.

Dated this 9th day of February, 2006.

Colleen S. Colton, Chair

Patricia S. Drawe

Joseph E. Hatch